



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

Office of
Chief Counsel

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***Hazardous Materials Safety
Law Division***

NOTICE OF PROBABLE VIOLATION

Date Issued: FEB 16 2006

PHMSA Case No. 05-0586-SC-SW

DMS Docket No. 2006-23997

Respondent: High Country Gas and Supply, Inc.
1039 Pitkin Ave.
Grand Junction, CO 81501

ATTN: Mr. Bob Distel, President

No. of Alleged Violations: 2

Maximum Possible Assessment: \$65,000

Total Proposed Assessment: **\$4,145** (Includes a \$755 reduction for corrective action)

The Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA) alleges that you (the Respondent named above) violated certain provisions of the Federal Hazardous Materials Transportation Law, 49 U.S.C. § 5101 et seq., and/or the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171 - 180. PHMSA sets forth the specific allegations in Addendum A to this Notice.

What are the maximum and minimum civil penalties that PHMSA can assess? Federal law sets a maximum civil penalty of \$50,000 (or \$100,000 if the violation results in death, serious illness or severe injury, or substantial destruction of property) and a minimum civil penalty of \$250 (or \$450 if the violation concerns training) for each violation of the Federal hazardous materials transportation law or the HMR committed on or after August 10, 2005. Each day of a continuing violation by a shipper or transporter of hazardous materials constitutes a separate violation for which the maximum penalty may be imposed (49 U.S.C. § 5123(a)).

What factors does PHMSA consider when proposing and assessing a civil penalty? Federal law requires PHMSA to consider certain factors when proposing and assessing a civil penalty for a violation of Federal Hazardous Materials Transportation Law or the HMR. Please refer to Addendum B to this Notice for more information concerning these factors.

When is my response due? You must respond within thirty (30) days from the date you receive the Notice (49 C.F.R. § 107.313(a)), unless you have made a written request for an extension, which must have been approved by PHMSA (49 C.F.R. §107.313(c)). Due to security concerns, mail delivery from the United States Postal Service (USPS) is experiencing significant delays.

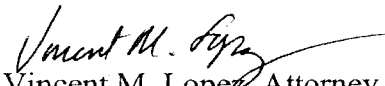
As a result, you should allow at least 72 hours for delivery, even for overnight service by the USPS. To assure timely receipt, **PHMSA strongly encourages you to submit your response by e-mail, fax, or express mail.** A response received out of time will not be considered.

What are my response options? You may respond to this Notice in any of three ways:

- (1) Admit the alleged violations and pay the proposed assessment (49 C.F.R. § 107.313(a)(1));
- (2) Send an informal response, which can include a request for an informal conference (49 C.F.R. § 107.313(a)(2)); or
- (3) Request a formal hearing (49 C.F.R. § 107.313(a)(3)).

PHMSA provides information on these options in Addendum B to this Notice and the Office of Chief Counsel's homepage (<http://rspa-atty.dot.gov>). PHMSA explains its procedures for assessing civil penalties and imposing compliance orders in 49 C.F.R. § 107.307 through 107.331.

What happens if I fail to respond? You waive your right to contest the allegations made in Addendum A to this Notice if you fail to respond within thirty (30) days of receiving it (or by the end of any extension). Also, the Chief Counsel may make a finding of fact consistent with the allegations in this Notice and assess an appropriate civil penalty if you fail to respond within the applicable time frame.


Vincent M. Lopez, Attorney
Phone: (202) 366-5199
vincent.lopez@dot.gov

Enclosures: Addendum A
Addendum B
Addendum C
Case Exhibits

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

PHMSA Case No. 05-0586-SC-SW

SPECIFIC ALLEGATIONS

Probable Violation No. 1

Offering and transporting in commerce a quantity of hazardous material that requires placarding under the provisions of the Hazardous Materials Regulations (HMR), while failing to develop and adhere to a security plan.

Factual Allegations/Averments

A. On or about September 8, 2005, Respondent offered for transportation, a hazardous material (Division 2.1 and 2.1 gases), weighing 2,580 pounds, in commerce, as evidenced by Respondent's shipping paper dated September 8, 2005.

B. On or about the date referenced in paragraph A above, Respondent had not developed and implemented a security plan.

- Please see Inspection/Investigation Report Number 05453081 at page 2, and the exhibits that accompany this report, which are incorporated herein.

Probable Violation No. 2

Offering and transporting a hazardous material, in commerce, while failing to provide each hazmat employee with security awareness training in accordance with the requirements of the HMR.

Factual Allegations/Averments

A. On or about September 8, 2005, Respondent offered for transportation, a hazardous material (Division 2.1 and 2.1 gases), weighing 2,580 pounds, in commerce, as evidenced by Respondent's shipping paper dated September 8, 2005.

B. On or about the date referenced in paragraph A above, Respondent allowed its hazmat employees to perform a function subject of the HMR, when the employees were not trained in accordance with the requirements of the HMR.

- Please see Inspection/Investigation Report Number 05453081 at page 3, and the exhibits that accompany this report, which are incorporated herein.

FACTS ALREADY CONSIDERED (UNDER 49 C.F.R. § 107.331) IN SETTING PROPOSED PENALTIES

Prior Violations of the Hazardous Materials Regulations:

PHMSA increases proposed penalties when Respondent has committed a prior violation of the Federal Hazardous Materials Transportation Law or the HMR within the last six years, as determined through a civil penalty case, criminal case, or ticketing process (49 C.F.R. § 107.331(d)). More specifically, “the general standards for increasing a baseline proposed penalty on the basis of prior violations are . . . (1) for each prior civil or criminal enforcement case –25% increase over pre-mitigation recommended penalty, and (2) for each prior ticket–10% increase over pre-mitigation recommended penalty” (49 C.F.R. Part 107, Subpart D, Appendix A, Section IV, E).

PHMSA’s records do not contain any prior violations by Respondent and PHMSA did not consider any prior violations in determining the proposed assessment for the violation in this Notice.

Corrective Action:

An important purpose of PHMSA’s enforcement program is to bring the regulated community into compliance with the Hazardous Materials Regulations, and to promote ongoing efforts by that community to maintain compliance. In determining the final penalty assessment, PHMSA considers documented evidence of actions taken by a Respondent to correct violations and ensure that they do not recur (49 C.F.R. § 107.331 (g)).

Respondent provided correspondence dated October 28, 2005, addressing the corrective action it has taken in response to the probable violations resulting from the inspection. Respondent described and documented its corrective action as follows:

- Violation No.: 1: Respondent stated that it was working to develop a security plan and further stated that it expected to complete the plan by December 2005.
- Violation No.: 2: Respondent indicated that its hazmat employees had watched a video on hazardous materials handling and that the employees (excepting one) had completed security awareness training.

Financial Status

Under 49 C.F.R. §107.331 (e) and (f), the proposed penalty may be reduced if Respondent demonstrates that it is unable to pay that penalty, or if payment of the proposed penalty would affect Respondent’s ability to continue in business. Respondent’s poor financial condition may be a basis for reducing the proposed penalty; a healthy financial condition is *not* a basis for increasing the penalty.

PHMSA has no information that indicates that Respondent is unable to pay the proposed penalty. If Respondent believes it lacks the ability to pay the proposed penalty or that the proposed penalty will affect Respondent's ability to continue in business, Respondent should submit a current balance sheet (certified if possible) or other evidence of its assets and liabilities.

TOTAL CIVIL PENALTY PROPOSED

Probable Violation	Maximum Possible Penalty	Baseline Penalty	Increase for Priors	Corrective Action	Proposed Penalty
1	\$50,000	\$4,500	\$0	\$675	\$3,825
2	\$50,000	\$400/area	\$0	\$80	\$320
TOTAL	\$100,000	\$4,900	\$0	\$755	\$4,145



Inspection / Investigation Report No. 05453081

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement

Inspection Location:

High Country Gas & Supply, Inc.
1039 Pitken Ave.
Grand Junction, CO 81501

Contact: Robert Distel, Owner
Phone: 970-245-2113
Fax: 970-245-0411

Type of Inspection: SHIPPER INSPECTION
(GENERAL)

Result: ENFORCEMENT REPORT

Inspector: BURTON, ROY
Code: DHM-45.3
Title: HAZARDOUS MATERIALS
ENFORCEMENT SPECIALIST

Signature:

Inspector #2:
Code:
Title:

Supervisor Name: Billy C. Hines, Jr.
Title: Chief, Southwest Region

Authorization Date: 11/7/2005

Summary of Inspection

On September 21, 2005, Hazardous Materials Enforcement Specialist Roy Burton, conducted a compliance inspection at High Country Gas & Supply, Inc., (HCGS) Grand Junction, CO. Mr. Robert Distel, Owner, represented the company and provided requested documentation. Company ships cylinders containing various gases.

Violations noted during the inspection were discussed with HCGS during the Exit Briefing (Exhibit 1). Violations concerned no security plan and security awareness training.

Correspondence received October 28, 2005, advises of action taken by HCGS to rectify the violations noted in this report (Exhibit 6).

Violation Number: 1

Number Discovered: 1

49 CFR Section:

171.2(b)

172.800(b)

Exhibit: 2, 3 and 4

Violation Description:

Offering and transporting in commerce a quantity of hazardous material that requires placarding under the provisions of the HMR, while failing to develop and adhere to a security plan.

Evidence Summary:

During review of HCGS' hazmat shipping papers, the inspector noted a shipping paper dated September 8, 2005, denoting a 2,580 pound shipment of assorted division 2.1 and 2.2 gases (Exhibit 2). Taking note of the gross weight of the hazardous materials listed on the shipping paper, the inspector then asked to review HCGS' security plan. Mr. Robert Distel, Owner, informed the inspector that he was not aware of the security plan requirements, and therefore was unable to provide a security plan for review (Exhibit 3).

The inspector obtained a copy of HCGS' Hazardous Materials Certificate of Registration (Exhibit 4).

Section 172.800(b) states, in part, "By September 25, 2003, each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart...(7) A quantity of hazardous material that requires placarding under the provisions of subpart F of this part."

Section 172.802(b) states "The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision."

Section 172.504(c) states that placards are required on a transport vehicle containing 454 kg (1,001 pounds) or more aggregate gross weight of hazardous materials covered by table 2 of § 172.504(e).

Violation Number: 2

Number Discovered: 1

49 CFR Section:

171.2(b)

172.702(b)

172.704(a)(4)

Exhibit: 3 and 5

Violation Description:

Offering and transporting hazardous materials in commerce, while failing to provide each hazmat employee security awareness training.

Evidence Summary:

During the course of the inspection, the inspector requested to review the hazmat training records for HCGS' hazmat employees. Mr. Distel provided the inspector with training records dated August 8, 2003 (Exhibit 5). Upon noticing the absence of any reference to security awareness training on the records, the inspector asked Mr. Distel if security awareness training had been provided. Mr. Distel advised the inspector that he was unaware of the security awareness training requirement and, therefore, was unable to provide a record of such training (Exhibit 3).

Section 172.704(a) states that hazmat employee training must include the following:

(1) General awareness/familiarization training;

(2) Function-specific training;

(3) Safety training;

(4) Security awareness training. No later than the date of the first scheduled recurrent training after March 25, 2003, and in no case later than March 24, 2006, each hazmat employee must receive training that provides an awareness of security risks associated with hazardous materials transportation security. This training must also include a component covering how to recognize and respond to possible security threats. After March 25, 2003, new hazmat employees must receive the security awareness training required by this paragraph within 90 days after employment.

Additional Information Pertaining to the Inspection:

In a correspondence received October 28, 2005, HCGS advised that work is underway toward development of a security plan with an anticipated completion date during December 2005. HCGS further advised that with the exception of one employee, security awareness training has been completed (no documentation was provided).

Exhibit Summary

Evidence		Obtained From		
No.	Description	Name, Title	Company	City, State
1	Exit Briefing	Inspector		
2	Shipping paper dtd 9/8/05	Robert Distel, Owner	High Country Gas & Supply, Inc.	Grand Junction, CO
3	Security Inspection Report	Inspector		
4	Certificate of Registration	Robert Distel, Owner	High Country Gas & Supply, Inc.	Grand Junction, CO
5	Training records	Robert Distel, Owner	High Country Gas & Supply, Inc.	Grand Junction, CO
6	Correspondence dtd 10/28/05	Robert Distel, Owner	High Country Gas & Supply, Inc.	Grand Junction, CO



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

Office of Hazardous
Materials Enforcement
Southwest Region

8701 South Gessner Rd.
Suite 1110
Houston, Texas 77074

EXIT BRIEFING

(This document is not a final report.)

Date: 9-21-05

Report Control #: 05453081

Company Name: High Country Gas & Supply, Inc.

Address: 1039 Pitken Ave., Grand Junction, CO 81501

NAME OF INDIVIDUALS RECEIVING BRIEFING:

Name: Robert Distel Title: Owner

Name: _____ Title: _____

Name: _____ Title: _____

This has been a compliance inspection conducted in accordance with Title 49 U.S.C. Section 5121(c). This exit briefing addresses only the areas noted, and it is not a finding of general compliance in any other areas covered by the Hazardous Materials Regulations that were subject to the inspection.

During the course of the inspection the following probable violations of 49 CFR and/or quality control items were noted.

Section: 172.800(b)

Explanation: No Security plan.

U.S. DOT/HSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: _____
EXHIBIT NUMBER: 1
PAGE NUMBER 1 OF 3

Section:

172.704(a)(4)

Explanation:

No security awareness training

Section:

Explanation:

Section:

Explanation:

Section:

Explanation:

This document is not a final report. The information gathered at this inspection and any probable violations noted will be reviewed prior to finalizing the report. Probable violation(s) may be removed or others may be added during this review. In addition, quality control items may be revised to become probable violations during this review.

Upon determination that a probable violation exists, the Associate Administrator for Hazardous Materials Safety is authorized to impose certain sanctions, including warning letters, tickets, compliance orders, and civil penalties. In addition, court actions, including injunctive or criminal proceedings, may be initiated. Title 49 U.S.C. Sections 5123 and 5124 provide for civil and criminal penalties for violation of the Hazardous Materials Regulations.


A civil penalty of not more than \$32,500, but not less than \$275, per violation may be imposed through administrative proceedings initiated by the Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration. When a criminal violation has been determined by a court, a fine, or imprisonment for not more than 5 years, or both, may be imposed for each violation.

The inspector does not determine which sanction, if any, may be imposed and cannot provide information concerning what proceedings will be initiated or sanctions imposed.

Documentation of corrective action submitted in writing to the inspector within 30 days of the inspection may be considered for mitigation should the sanction imposed result in the issuance of a notice proposing a civil penalty. However, any documented corrective action would not eliminate or preclude the initiation of a civil penalty proceeding, a finding of violation, or assessment of a civil penalty.

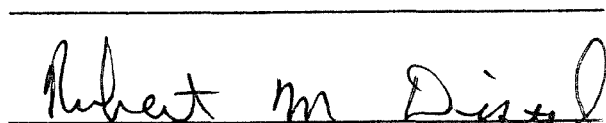
Our objective is to ensure a fair regulatory enforcement environment. If you feel you have been treated unfairly or unprofessionally, you may contact John O'Connell at 202-266-4700, or e-mail us at OHME-HQ@dot.gov. You also have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR, or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency. The Pipeline and Hazardous Materials Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

I certify that I received the above briefing as it appears on this form. I understand that by signing this form I am in no way expressing agreement with its contents. I am only acknowledging that I have reviewed it and have received a copy.



Signature of Inspector(s)

9-21-05
Date



Signature of Representative(s)

9-21-05
Date

Shipping Papers 49 CFR 172 200

HIGH COUNTRY GAS & WELDING SUPPLY
1039 PITKIN AVENUE
GRAND JUNCTION, CO 81501

EMERGENCY RESPONSE #
1-(970)-245-2113

DRIVER
DATE

Justin
918105

SHIPPING NAME	HAZARD CLASS	ID #	STD/VOL CF/LBS	STYLE	AMOUNT	AMOUNT
ACETYLENE, DISSOLVED	2.1	UN 1001	400	NWK	22	
ACETYLENE, DISSOLVED	2.1	UN 1001	140	NWS		
ACETYLENE, DISSOLVED	2.1	UN 1001	80	NWQ		
ACETYLENE, DISSOLVED	2.1	UN 1001	40	B		
ACETYLENE, DISSOLVED	2.1	UN 1001	10	MC		
OXYGEN, COMPRESSED	2.2	UN 1072	300	T		
OXYGEN, COMPRESSED	2.2	UN 1072	250	K		
OXYGEN, COMPRESSED	2.2	UN 1072	150	S		
OXYGEN, COMPRESSED	2.2	UN 1072	125	DEY		
OXYGEN, COMPRESSED	2.2	UN 1072	80	Q		
OXYGEN, COMPRESSED	2.2	UN 1072	40	RR		
OXYGEN, COMPRESSED	2.2	UN 1072	20	R		
NITROGEN	2.2	UN 1066	300	T		
NITROGEN	2.2	UN 1066	250	K		
NITROGEN	2.2	UN 1066	150	S		
NITROGEN	2.2	UN 1066	125	DEY		
NITROGEN	2.2	UN 1066	60			
ARGON	2.2	UN 1006	300	T		
ARGON	2.2	UN 1006	150	S		
ARGON	2.2	UN 1006	125	DEY		
HELIUM	2.2	UN 1046	300	T		
HELIUM	2.2	UN 1046	250	K		
HELIUM	2.2	UN 1046	125	DEY		
HELIUM	2.2	UN 1046	80	Q		
CARBON DIOXIDE	2.2	UN 1013	50#	50#		
CARBON DIOXIDE	2.2	UN 1013	20#	20#		
TRI-MIX ARGON, OXYGEN	2.2	UN 1956	300	T		
CARBON DIOXIDE						
75% ARGON, 25% CO2, (C25)	2.2	UN 1956	300	T	4	
75% ARGON, 25% CO2, (C25)	2.2	UN 1956	150	S	1	
75% ARGON, 25% CO2, (C25)	2.2	UN 1956	125	DEY		
75% ARGON, 25% CO2, (C25)	2.2	UN 1956	80	Q		
75% ARGON, 25% CO2, (C25)	2.2	UN 1956	60	R		
75% ARGON, 25% CO2, (C25)	2.2	UN 1956	40	RR		
92% ARGON, 8% CO2	2.2	UN 1956	300	T		
PROPANE	2.1		30#			
HYDROGEN	2.1		250	K		

U.S. POST/SPRACHENBUREAU/POSTAL SERVICE
REPORT NUMBER: 65453081
EXHIBIT NUMBER: 2
PAGE NUMBER: 1 OF 1

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES



PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
HAZMAT SECURITY INSPECTION REPORT

Facility Name and Address: High Country Gas & Supply, Inc.
1039 Pitken Ave., Cotand Junction, CO 81501

Company Officials Interviewed:

Robert Distel

Title:

Owner

1. Does the company offer any of the following for transportation:[§ 172.800(b)]

- ☐ a) A highway route controlled quantity of a Class 7 material.
- ☐ b) More than 55 pounds of a Division 1.1, 1.2, 1.3 in a motor vehicle, rail car, or freight container.
- ☐ c) More than 1 liter per package, of a material poison by inhalation, Zone A.
- ☐ d) A quantity of a hazardous material in a bulk packaging (> 3,500 gallons for liquids/gas, 468 cubic feet for solids).
- ☐ e) >5,000 lbs. (gw) of one hazard class in non-bulk packaging for which placarding of a vehicle, rail car or freight container is required.
- ☐ f) A select agent or toxin listed in 42 CFR, Part 73.
- ☒ g) A quantity of hazardous materials that requires placarding
- ☐ h) None of Above: Security Plan is not required, though Security Awareness Training is still required to be conducted (See page 2, Security Training)

2. Does the company have a written security plan? Yes _____ No ☒

3. Has it been approved by another Federal agency [172.804]? Yes _____ No _____

4. If yes, name of agency _____ and date approved _____.

5. Does the plan include a security assessment of possible transportation security risks [172.802]?
Yes _____ No _____

6. Does the plan include measures to address the assessed risk(s)? Yes _____ No _____

7. Does the plan address personnel security? Yes _____ No _____

8. Is there a method in place to confirm information provided by employees hired for positions that involve access to or handling of materials covered by the security plan? Yes _____ No _____

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

9. Is the company adhering to its personnel security plan? Yes _____ No _____

10. Does the plan address unauthorized access? Yes _____ No _____

11. Does the company adhere to the plan to prevent unauthorized persons to gain access to hazmat covered by the plan or transport conveyances being prepared for transportation?

Yes _____ No _____

12. Does the plan address en route security? Yes _____ No _____

13. Does the company adhere to its en route security plan from origin to destination, including private/contract/common carrier? Yes _____ No _____

SECURITY TRAINING

14. Has the company conducted security awareness training (SAT)? * Yes _____ No ☒

15. Does the SAT include a component on how to recognize and respond to possible security threats? Yes _____ No _____

16. Has each HM employee, hired after March 25, 2003, received SAT within 90 days of hire?

Yes _____ No _____

17. Has the company conducted in-depth security training (plan specific) for all HM employees?

Yes _____ No _____

18. Does the in-depth training program include the following:

a. Company security objectives? Yes _____ No _____

b. Specific security objectives? Yes _____ No _____

c. Employee responsibilities? Yes _____ No _____

d. Actions to take in the event of a security breach? Yes _____ No _____

e. Organizational security structure? Yes _____ No _____

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

19. Has the company created and retained records of employee security training?

Yes _____ No _____

Additional Notes: _____

[* Note: A company is not required to test or retain records concerning the security awareness training requirement until an employee's first scheduled recurrent training after March 25, 2003.]

This inspection report assesses your compliance with our Security Plan regulations (49 CFR §§ 172.704 (Training), 172.800 (Purpose and Applicability), 172.802 (Components of a security plan), and 172.804 (Relationship to other Federal requirements)). **This inspection report and any comments made during this evaluation do not constitute an endorsement or approval of your security program in whole or in part. Do not send us a copy of your Security Plan as a part of corrective action. If we need a copy of your Security Plan we will specifically request it in writing.**

I hereby certify that the above responses are true to the best of my knowledge.

Persons Interviewed:

Signature Robert M. Disal

Date 9-21-05

Signature _____

Date _____

Inspector(s):

Signature Ray B.

Date 9-21-05

Signature _____

Date _____

Nothing Follows. RAB (Inspector's Initials)

The following website may be helpful in the development and administration of security plans:

http://hazmat.dot.gov/hmt_security.htm

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION



HAZARDOUS MATERIALS
CERTIFICATE OF REGISTRATION
FOR REGISTRATION YEAR(S) 2005-2007

Registrant: HIGH COUNTRY GAS & SUPPLY INC
Attn: ROBERT DISTEL
1039 PITKIN AVENUE
GRAND JUNCTION, CO 81501

This certifies that the registrant is registered with the U.S. Department of Transportation as required by 49 CFR Part 107, Subpart G.

This certificate is issued under the authority of 49 U.S.C. 5108. It is unlawful to alter or falsify this document.

Reg. No: 082605 001 038NO **Issued:** 08/29/2005 **Expires:** 06/30/2007

Record Keeping Requirements for the Registration Program

The following must be maintained at the principal place of business for a period of three years from the date of issuance of this Certificate of Registration:

- (1) A copy of the registration statement filed with PHMSA; and
- (2) This Certificate of Registration

Each person subject to the registration requirement must furnish that person's Certificate of Registration (or a copy) and all other records and information pertaining to the information contained in the registration statement to an authorized representative or special agent of the U. S. Department of Transportation upon request.

Each motor carrier (private or for-hire) and each vessel operator subject to the registration requirement must keep a copy of the current Certificate of Registration or another document bearing the registration number identified as the "U.S. DOT Hazmat Reg. No." in each truck and truck tractor or vessel (trailers and semi-trailers not included) used to transport hazardous materials subject to the registration requirement. The Certificate of Registration or document bearing the registration number must be made available, upon request, to enforcement personnel.

For information, contact the Hazardous Materials Registration Manager, DHM-60, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, telephone (202) 366-4109.

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 05453081
EXHIBIT NUMBER: 4
PAGE NUMBER 1 OF 1

ALL HIGH COUNTRY EMPLOYEES

WE ARE REQUIRING THAT ALL EMPLOYEES WATCH A 30 MINUTE PROGRAM ON
HAZARDOUS MATERIALS AND HANDLING AND SECURING THEM.

PLEASE SIGN AND DATE THIS .

EMPLOYEE Robert M. Dineen DATE; 8-8-03 .

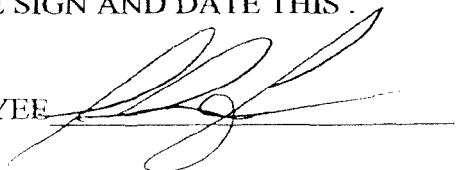
U.S. DOT/FSPA/OSHA/SOUTHWEST REGION
REPORT NUMBER: 05453081
EXHIBIT NUMBER: 5
PAGE NUMBER 1 OF 5

ALL HIGH COUNTRY EMPLOYEES

WE ARE REQUIRING THAT ALL EMPLOYEES WATCH A 30 MINUTE PROGRAM ON
HAZARDOUS MATERIALS AND HANDLING AND SECURING THEM.

PLEASE SIGN AND DATE THIS.

EMPLOYEE



DATE:

Aug 8th, 2003

U.S. DOY/RSPA/CHME/SOUTHWEST REGION
REPORT NUMBER: 05453081
EXHIBIT NUMBER: 5
PAGE NUMBER 2 OF 5

ALL HIGH COUNTRY EMPLOYEES

WE ARE REQUIRING THAT ALL EMPLOYEES WATCH A 30 MINUTE PROGRAM ON
HAZARDOUS MATERIALS AND HANDLING AND SECURING THEM.

PLEASE SIGN AND DATE THIS .

EMPLOYEE afjmf DATE: 8-8-03

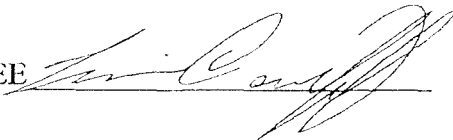
U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 05453081
EXHIBIT NUMBER: 5
PAGE NUMBER 3 OF 5

ALL HIGH COUNTRY EMPLOYEES

WE ARE REQUIRING THAT ALL EMPLOYEES WATCH A 30 MINUTE PROGRAM ON
HAZARDOUS MATERIALS AND HANDLING AND SECURING THEM.

PLEASE SIGN AND DATE THIS .

EMPLOYEE



DATE;

8-8-03

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OCT 28 2005

HIGH COUNTRY GAS & WELDING SUPPLY, INC.

Phone: (970) 245-2113
Fax: (970) 245-0411



1039 Pitkin Avenue
Grand Junction, CO. 81501

UNITED STATES DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS SAFETY

ATT; ROY BURTON

REF; UPDATE ON SECURITY PLAN AND EMPLOYEE TRAINING

SINCE YOUR VISIT I FAXED YOU INFORMATION YOU REQUESTED.
HIGH COUNTRY'S CERTIFICATE OF REGISTRATION AND ALSO SHOWING WHERE
MY EMPLOYEES WATCHED A VIDEO ON HAZARDOUS MATERIAL HANDLING.
AS FAR AS A SECURITY PLAN I AM WORKING WITH ANOTHER WELDING SUPPLY
COMPANY HERE IN TOWN TO DRAFT A PLAN.
I WILL HAVE THIS PLAN DRAFTED BY DECEMBER.
THE CD YOU LEFT US HAS BEEN WATCHED BY ALL OF MY EMPLOYEES EXCEPT
ONE AND HE HAS IT IN HIS POSSESSION.
THIS WILL BE COMPLETED BY NEXT WEEK.

THANKS

ROBERT DISTEL

fax # 713-272-2821

U.S. DOT/RSPA/OHME/SOUTHWEST REGION
REPORT NUMBER: 05453081
EXHIBIT NUMBER: 6
PAGE NUMBER 1 OF 1

Hours: M - F: 7:30 - 5:30, Sat: 9:00 - 4:00, Sun: Closed